

FILED

JUN - 8 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CLERK U.S. DISTRICT COURT
By: _____

Deputy

UNITED STATES OF AMERICA

v.

No. 4:21-MJ-410-BP

GUSTAVO LOPEZ (01)
MARCOS AGUILAR (02)

CRIMINAL COMPLAINT

Alleged Offense:

I, Special Agent Derek Peters, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about June 5, 2021, in the Fort Worth Division of the Northern District of Texas, defendants **Gustavo Lopez** and **Marcos Aguilar**, each defendant knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, aiding and abetting each other, did knowingly and unlawfully possess firearms, to wit: a Rock Island Armory, model M1911A1-FS, .45ACP pistol, with serial number RIA2286988; a Walther, model CCP, 9mm pistol, with serial number WK112443; a SIG Sauer, model P365, 9mm pistol, with serial number 66B358393; a SIG Sauer, model P365, 9mm pistol, with serial number 66B440369; and a Palmetto State Armory, model PA-15, Multi, (5.56mm) rifle, with serial number SCD570489. In violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 2.

Probable Cause:

I, Special Agent Derek Peters, Affiant, state that I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice. I have been so employed since February 2020, and I am currently assigned to the Fort Worth, Texas Field Office. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC), located in Glynco, Georgia, and Special Agent Basic Training at the ATF National Academy. Prior to being employed by the ATF, I was employed as a Border Patrol Agent in Falfurrias, Texas. While employed with the United States Border Patrol, I graduated from the National Border Patrol Academy, worked as a field agent, and served as border community liaison for the Rio Grande Valley Sector. The statements set forth in this affidavit are the product of my personal observations, training, and

experience, as well as information obtained from other law enforcement officers and witnesses. The facts presented are true and correct to the best of my knowledge and belief but are not inclusive of all the evidence or information involved with this case.

1. On June 5, 2021, Fort Worth Police Department (FWPD) officers working the Lone Star Gun Show, at 3401 West Lancaster Avenue, Fort Worth, Texas, observed two individuals, **Gustavo Lopez** and **Marcos Aguilar**, purchasing firearms at the gun show. According to officers, **Lopez**, and **Aguilar** were both handling the firearms at the show. Officers saw **Lopez** provide **Aguilar** with cash from **Lopez's** pocket to pay for the firearm purchases.

2. When **Lopez** and **Aguilar** left the show, FWPD officers confronted them. According to the officers, **Aguilar** was carrying a rifle and a bag containing four handguns purchased at the show. During the conversations, it was determined that both **Lopez** and **Aguilar** had previously been convicted of felony offenses, and both were subsequently taken into custody. The firearms recovered were:

- a. a Rock Island Armory, model M1911A1-FS, .45ACP pistol, with serial number RIA2286988;
- b. a Walther, model CCP, 9mm pistol, with serial number WK112443;
- c. a Sig Saur, model P365, 9mm pistol, with serial number 66B358393;
- d. a Sig Saur, model P365, 9mm pistol, with serial number 66B440369;
and
- e. a Palmetto State Armory, model PA-15 Multi, 5.56mm rifle, with serial number SCD570489.

3. ATF Special Agent (SA) Derek Peters, and SA Mark Feltz responded to the scene and interviewed **Lopez** and **Aguilar**.

4. After being advised of his Miranda rights, **Gustavo Lopez** agreed to waive his rights and speak with the agents. **Lopez** stated that he and **Aguilar** went to the gun show to purchase firearms as gifts for three of **Lopez's** workers. **Lopez** admitted to providing \$3,000 to purchase the firearms. **Lopez** also advised that **Aguilar** withdrew cash from a bank to purchase firearms. **Lopez** stated he went to the gun show to purchase from private sellers, rather than a federal firearms licensee, because **Lopez** knew he was prohibited from purchasing firearms.

5. Your Affiant reviewed **Lopez's** criminal history which revealed the following felony convictions:

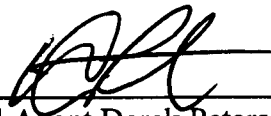
- a. 2005, Starr County Texas, Possession of a Controlled Substance PG 1 < 1G Drug Free Zone;

- b. 2009, Starr County Texas, Credit Card or Debit Card Abuse; and
- c. 2011, Harris County Texas, Manufacture/Deliver a controlled Substance 200G < 400G.

6. Your Affiant reviewed **Aguilar's** criminal history which revealed a 2018 federal felony conviction out of the Southern District of Texas for bringing in/harboring aliens in violation of 8 U.S.C. § 1324.

7. As shown, before possessing the above-described firearms, **Lopez** and **Aguilar** each had been convicted in a court of at least one crime punishable by imprisonment for a term more than one year and each knew that he had convicted of such a crime. Based on the descriptions of the firearms, SA Feltz, a firearms nexus expert, determined the five firearms seized from the defendants had traveled in or affected interstate commerce prior to being recovered in this investigation.

Based upon the above facts and circumstances, I respectfully submit that there is probable cause to believe that **Gustavo Lopez** and **Marcos Aguilar**, previously convicted felons, did knowingly and unlawfully possess the previously identified firearms in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 2.



Special Agent Derek Peters
Bureau of Alcohol, Tobacco, Firearms, and Explosives

SWORN AND SUBSCRIBED before me, June 8, 2021 at 11:02 a.m. p.m., in
Fort Worth, Texas.



HAL R. RAY, JR.
UNITED STATES MAGISTRATE JUDGE